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May 2, 2019

VIA ECF

The Honorable Nicholas G. Garaufis  
United States District Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Keith Raniere, 18 Cr. 204 (NGG)

Dear Judge Garaufis:

Yesterday, May 1, 2019, the government produced some, but not all, of the exhibits they intend to identify and/or admit into evidence. Of particular concern, given the fact that we are about to start the trial, is that the government has indicated that it intends to play portions of lengthy video and audio recordings that it has provided as trial exhibits. The concern is that if the government plays only a portion of a recording, the defendant may have the right, under Federal Rule of Evidence 106, to have other parts of the recording played in order to ensure that the portion played by the government is not taken out of context, or, as the Rule says, “in fairness ought to be considered at the same time.” Fed. R. Evid.106.

Accordingly, we request that where the government intends to play a portion of a recording, that the defense be advised what portion the government seeks to admit at least three business days in advance of the evidence being elicited so that the defense can determine what, if any, other parts of the recording, or what other recordings, should be played consistent with FRE 106. The reason three days are required is because (1) this would be the minimum amount of time necessary to identify the FRE 106 issues, if any, (2) then to litigate the FRE 106 matter before the Court and then, (3) if the Court rules that additional content shall be admitted, to create transcripts of the additional material.

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Thank you for your consideration.

Respectfully submitted,

/s/  
Marc A. Agnifilo, Esq., *Of Counsel*  
Teny R. Geragos, Esq.

cc: Counsel for the government (via ECF)